IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 13562 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

GULAMNABI GAFORBHAI KHALAK

Versus

DIVISIONAL DIRECTOR,GUJARAT STATE TRANSPORT CORPORATION

Appearance:

1. Special Civil Application No. 13562 of 2004

MR R C JANI with MR KB PANCHOLI for Petitioner No. 1

MR ASHISH M DAGLI for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 05/11/2004

ORAL JUDGEMENT

RULE. Mr.A M Dagli learned advocate waives service of rule on behalf of the respondent. A consensus

has been arrived at between the parties. With their consent, the matter is finally heard today.

1. Mr.R C Jani for Mr.K B Pancholi for the petitioner has submitted that the petitioner is desirous to pay the outstanding principal amount of Rs.66,253/- to the respondent Corporation. He has submitted that out of the said amount, an amount of Rs.15,000/- is already paid by the petitioner, pursuant to the order of this Court dated 04/11/2004. He undertakes that the balance amount will be paid by the petitioner within a period of three months from today.

2. In view of the statement made by Mr.Jani for the petitioner, the respondent Corporation shall now calculate simple interest at the rate of 12 per cent per annum from the date when the said amount was outstanding. The respondent Corporation shall grant the petitioner reasonable installments for the payment of the said amount of arrears.

3. Therefore, as consensus has been arrived at between the parties, the petitioner shall now be permitted to carry on his business and his possession shall not be disturbed, till the new contract is awarded. It will be open for the petitioner to compete in the new Tender that may be invited by the respondent Corporation.

4. In view of the assurance given by the petitioner, considering this to be a special case, the respondent Corporation is directed to charge the same rate, as was charged earlier, till 31/03/2005. From 01/04/2005 onwards, the petitioner shall pay Rs.750/- (Rupees Seven Hundred and Fifty only) per month to the respondent Corporation. This may not be treated as a precedent in other cases, as in this case, where the petitioner has given an undertaking that he will clear all the arrears, for which the Public Sector was not required to file any suit before any authority. It has saved the time and money of the Public Sector in question. The above order has been passed looking to the peculiar facts and circumstances of the case.

5. In view of the above, nothing remains to be done in the matter. The petition stands disposed of accordingly. Rule is made absolute to the above extent.

(K. S. Jhaveri, J.)

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